IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 327 (S/S) 2007

Smt. Neelam Devi W/o Mohan Singh,
R/o village Katool, Gram Sabha Chamoli Gaon,
Patti Langoor Ball, Tehsil Satpuli,
District Pauri Garhwal. ---- Petitioner.

Versus

1. State of Uttarakhand through its Secretary ,
   Department of Mahila Evam Bal Vikash,
   Secretariat, Dehradun,
2. Chief Development Officer, Pauri Garhwal,
3. Bal Vikash Pariyojana Adhikari, Dawarikhal,
   Pauri Garhwal,
4. Tehsildar, Satpuli District Pauri Garhwal,
5. Patwari Langoor Balla-4 Tehsil Satpuli,
   District Pauri Garhwal. ----Respondents.

Sri D.C.S. Rawat, learned counsel for the petitioner,
Sri H.M. Raturi, learned Standing Counsel for the State of Uttarakhand/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri D.C.S. Rawat, learned counsel for the petitioner and Sri H.M. Raturi, learned Standing Counsel for the State of Uttarakhand/respondents.

Counsel for both the parties are agreed that the writ petition may be disposed of at the admission stage, itself.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of certiorari quashing the termination order dated

07.02.2007, passed by the respondent no. 3, annexed as annexure no. 9 to the writ petition,

ii. Issue a writ, order or direction in the nature of mandamus commanding the respondents to grant all consequential benefits including arrears of salary,

iii. Issue any other order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case,

iv. Award the cost of the petition.

Grievance of the petitioner is that he was provided income certificate by the Tehsildar-Satpuli, district Pauri Garhwal on 20.06.2007 showing his income as Rs. 1,150/- per month. And on the basis of this income certificate, the petitioner was appointed as Aanganbadi Worker of village-Chamoli, district Pauri Garhwal. Again the Tehsildar-Satpuli submitted a report to the Bal Vikas Pariyojana Adhikari on 01.12.2006 that the monthly income of the petitioner is Rs. 3,500/-. On the basis of the report submitted by the Tehsildar, the Bal Vikas Pariyojana Adhikari, Dwarikhal, Pauri Garhwal vide its order dated 07.02.2007 has disengaged the petitioner from the post of Aanganbari Worker on the ground that the income certificate submitted by the petitioner was found fake. The petitioner has filed another income certificate issued by the said Tehsildar on 14.02.2007 wherein the Tehsildar has certified that the income of the petitioner is Rs. 1,150/- per month. It appears to the Court that the Tehsildar-Satpuli is confined to issue certificates one after another and that too contrary to each other.

In the present case, the petitioner has challenged the termination order and in fact, he has already moved a representation before the Chief Development Officer/

respondent no.2 on 28.02.2007, contained as annexure no. 11 to the writ petition.

In the forgoing circumstances, this Court deems it fit and proper to direct the respondent no. 2 to take decision on the representation of the petitioner dated 28.02.2007, annexure no. 11 to the writ petition within a period of three weeks from the date of production of a certified copy of this order. At the same time it is expected from the Higher Officers of the Department to find out from the Tehsildar-Satpuli that under what circumstances he has issued so many contradictory income certificates in respect of the petitioner.

The writ petition is finally disposed of accordingly. No order as to costs.

(M.M. Ghildiyal, J.)

April 5, 2007:
NCM: